

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Cañones Creek

MOTION FOR DEFAULT JUDGMENT

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order granting default judgment against the following defendants:

Jeb McNeil Binkley Trust CHCC-002-0001

Margaret Burt Binkley Trust CHCC-002-0001

Sargent MacGregor Binkley Trust CHCC-002-0001

and as grounds therefore plaintiff states:

1. The Court has jurisdiction over the above-named defendants as shown by waivers of service of summons by Jeb McNeil Binkley Trust (Doc. No. 7116), Margaret Burt Binkley Trust (Doc. No. 7116) and Sargent MacGregor Binkley Trust (Doc. No. 7116).

2. The defendants named above are in default for failure to appear, answer, or otherwise defend in this cause, as shown by the Clerk's Certificate of Default filed January 18, 2005 (Doc. No. 7714).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting

default judgment against the above-named defendants incorporating the terms of the State's proposed consent orders and in conformance with the December 31, 2002 Rio Chama Hydrographic Survey for Section 7, Cañones Creek.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion for Default Judgment were mailed to following persons on May 27, 2005.

/s/ Ed Newville
Edward G. Newville

Jeb McNeil Binkley Trust
Margaret Burt Binkley Trust
Sargent MacGregor Binkley Trust
c/o Edward S. Binkley, Trustee
23007 Brother Luke Place
Santa Fe, NM 87505

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, CO 80202

John W. Utton, Esq.
Sheehan, Sheehan & Stelzner PA

P.O. Box 271
Albuquerque, NM 87103-0271

Paula Garcia
NM Acequia Association
607 Cerrillos Road, Suite F
Santa Fe, NM 87505

Benjamin Philips, Esq.
John F. McCarthy, Jr., Esq.
Rebecca Dempsey, Esq.
White, Koch, Kelly & McCarthy
PA
P.O. Box 787
Santa Fe, NM 87504-0787

Lester K. Taylor, Esq.
Nordhaus Law Firm LLP
405 Dr. Martin Luther King Ave
NE Albuquerque, NM 87102-3541

Susan Jordan, Esq.
Nordhaus Law Firm, LLP
1239 Paseo de Peralta

Santa Fe, NM 87501

Tessa T. Davidson, Esq.
Davidson Law Firm, LLC
P.O. Box 2240
Corrales, NM 87048

Marcus J. Rael, Jr. Esq.
500 4th Street NW, Suite 200
Albuquerque, NM 87102

Pierre Levy, Esq.
Law Offices of Daniel J. O'Friel
Ltd.
P.O. Box 2084
Santa Fe, NM 87504-2084

John P. Hays, Esq.
Cassutt, Hays, & Friedman PA
530-B Harkle Road
Santa Fe, NM 87505

Daniel Cleavinger, Esq.
P.O. Box 2470

Farmington, NM 87499

Ted J. Trujillo, Esq.
P.O. Box 2185
Española, NM 87532-2185

Karen L. Townsend, P.C.
120 East Chaco
Aztec, NM 87410

NM Acequia Commission
Fred Vigil, Chairman
Depart. of Finance & Admin.
Local Government Division
Bataan Memorial Building
Santa Fe, NM 87503

Kurt J. Van Deren, Esq.
Hatch, Allen & Shepherd PA
PO Box 94750
Albuquerque, NM 87199-4750

Gary S. Friedman, Esq.
Cassutt, Hays & Friedman, P.A.
530-B Harkle Road
Santa Fe, NM 87505

Peter B. Shoenfeld, Esq.
P.O. Box 2421
Santa Fe, NM 87504-2421

Ernest L. Padilla, Esq.
Padilla Law Firm, P.A.
P.O. Box 2523
Santa Fe, NM 87504-2523

Jeffrey H. Albright, Esq.
Cynthia A. Loehr, Esq.
Lewis and Roca Jontz Dawe, LLP
201 Third Street NW, Suite 1950
Albuquerque, NM 87103-1027

Frank M. Bond, Esq.
The Simmons Firm LLP
P.O. Box 5333
Santa Fe, NM 87502-5333